VOLUME 13 INDEX

	Page
Table of Authors	976
Subject-Matter Index	977
Table of Cases Discussed	989
Table of Statutes Discussed	996

TABLE OF AUTHORS

Aurthors of articles and book reviews in this volume are listed alphabetically; student *Writers* of notes, comments and case commentaries are not included.

ANDREWS, Arthur W.

Stock Dividend Taxation Under the Tax Reform Act of 1969: Expansion of an Ominous Past (with Lawrence R. Wilson) 13:751

ARES, Charles E.

In Memoriam: James J. Graham 13:263

BALDWIN, Malcolm F.

A Case for Applying Environmental Ethics to the Practice of Law 13:828

BENSON, Daniel H.

Military Justice In The Consumer Perspective 13:595

DERRICK, Clark L.

Introduction to Symposium: The Practice of Law in the Public Interest (with Winton D. Woods, Jr.) 13:797

HEGLAND, Kenney

Beyond Enthusiasm and Commitment 13:805

In Memoriam: James J. Graham, Poet 13:266

HOWARD, William J.

Corporate Control as an Incident of Ownership under Section 2042 of the Internal Revenue Code 13:619

JOYNER, Conrad F.

Book Review 13:745

KAUPER, Paul G.

Public Aid for Parochial Schools and Church Colleges: The Lemon, DiCenso and Tilton Cases 13:567

KLINE, J. Anthony

Financing the Private Practice of Public Interest Law (with Peter E. Sitkin) 13:823

KOZOLCHYK, Boris

In Memoriam: James J. Graham, Academician 13:265

O'CONNELL, Daniel H.

An Irrevocable Trust with a Power to Accumulate Income or Invade Principal: Federal Tax Consequences to the Grantor ..13:267

SHELDON, Karin P.

Public Interest Law: A Step Toward Social Balance 13:818

SILVER, Stephen E.

Civil Tax Fraud for Failure to File a Return 13:299

SITKIN, Peter E.

Financing the Private Practice of Public Interest Law (with J. Anthony Kline) 13:823

UDALL, Stewart L.

Public Interest Law and the Felt Necessities of the Time 13:801

WILSON, Lawrence R.

Stock Dividend Taxation Under the Tax Reform Act of 1969: Expansion of an Ominous Past (with Arthur W. Andrews) 13:751

WOODS, Winton D. Jr.

Introduction to Symposium: The Practice of Law in the Public Interest (with Clark L. Derrick) 13:797

SUBJECT MATTER INDEX

All items published in this volume are indexed under appropriate subject headings. Articles are indicated by the author's name following the title. Citations to the special project on psychiatric justice[1] have been abbreviated in a digest form, followed by *Project Pt. No.*, in order to avoid lengthy repetition. A citation followed by "in *ASC*" refers to a case commentary in the "Arizona Note."[2] While the index may seem overly detailed to some, it is intended that a sufficiently complete collation be made each year to ease integration into periodic cumulative indexes.

ADMINISTRATION Of Justice

Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595
Project, Pt. I 13:5
Project, Pt. II 13:147
Project, Pt. III 13:189
Project, Part IV 13:237

ADMINISTRATIVE Agencies

Democratizing the Administrative Process: Toward Increased Responsiveness 13:835
Interdisciplinary Collaboration in Public Interest Law 13:909
Public Interest Law and the Felt Necessities of the Time, *Stewart L. Udall* 13:801
Public Interest Law: A Step Towards Social Balance, *Karin P. Sheldon* 13:818

ADMINISTRATIVE LAW and Procedure

Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595
Patient rights in state hospitals, Project, Pt. III 13:189

ADMISSIBILITY Of Evidence

Strict Construction of Pretermitted Child Statute, in *ASC* 13:313, 513
Exclusionary Rules at Preliminary Hearings, in *ASC* 13:313, 374

Administrators—see Executors

ADOPTION

Do Bad Checks Make a Mother Unfit?, in *ASC* 13:313, 317

APPEAL & ERROR

Contributory Negligence—Confusion Out of Compromise, in *ASC* 13:313, 556
Enforceability of Arbitration Agreements, in *ASC* 13:313, 479

APPELLATE PROCEDURE

Exclusionary Rules at Preliminary Hearings, in *ASC* 13:313, 374
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595

Appeal—see Civil Procedure

ARBITRATION AND AWARD

Enforceability of Arbitration Agreements in *ASC* 13:313, 479
Protection for Employees Adversely Affected by Railway Mergers: Norfolk & Western Railway Co. v. Nemitz 13:703

ARIZONA

Administration of Psychiatric Justice: Theory and Practice in Arizona 13:1-260
Arizona Supreme Court 1970-71 ..... 13:313
Constitutionality of Property Tax Classifications, in *ASC* 13:313, 528

1. Project, *The Administration of Psychiatric Justice: Theory and Practice in Arizona*, 13 ARIZ. L. REV. 1-260 (1971).
2. *The Arizona Supreme Court 1970-71*, 13 ARIZ. L. REV. 315-566 (1971).

ARIZONA—Cont'd
Contributory Negligence—Confusion Out of Compromise, in *ASC* 13:313, 556
Dangerousness and committability—the standard in Arizona, Project Pt. IC 13:38, 96
Reasonable Use of Percolating Groundwater, in *ASC* 13:313, 490
Streenz v. Streenz—The End of an Era of Parental Tort Immunity 13:720
Strict Construction of Pretermitted Child Statute, in *ASC* 13:313, 513

ARIZONA CONSTITUTIONAL CONVENTION
Contributory Negligence—Confusion Out of Compromise, in *ASC* 13:313, 556

Arizona Rules of Civil Procedure—see Civil Procedure

ARMED FORCES
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595

ASSUMPTION OF RISK
Contributory Negligence—Confusion Out of Compromise, in *ASC* 13:313, 556

ATTORNEYS
Beyond Enthusiasm and Commitment, *Kenney Hegland* 13:805
Case for Applying Environmental Ethics to the Practice of Law, *Malcolm F. Baldwin* 13:828
Financing the Private Practice of Public Interest Law, *Peter E. Sitkin* and *J. Anthony Kline* 13:823
IRS Man Cometh: Public Interest Law Firms Meet the Tax Collector 13:857
Private Bar, the Public Interest, and Tax Incentives: Monetary Motivation for Action 13:953
Public's Interest in the Ethics of the Public Interest Lawyer 13:886

BAIL
Bail Revocation, in *ASC* 13:313, 365

BIOGRAPHY
In Memoriam: James J. Graham, *Charles E. Ares* 13:263
Boris Kozolchyk 13:265
Kenney Hegland 13:266

Building Code—see Real Property, Municipal Corporations

BREACH Of The Peace
The Criminality of Cussing, in *ASC* 13:313, 412

Burden of Proof—see Civil Procedure, Criminal Procedure, Evidence

Certiorari—see Civil Procedure, Special Actions

Children—see Parent and Child

CHURCH AND STATE
Public Aid for Parochial Schools and Church Colleges: The Lemon, DiCenso and Tilton Cases, *Paul G. Kauper* 13:567

CHURCHES
Public Aid for Parochial Schools and Church Colleges: The Lemon, DiCenso and Tilton Cases, *Paul G. Kauper* 13:567

City Planning (See also Municipal Corporations, Public Lands)
Democratizing the Administrative Process: Toward Increased Responsiveness 13:835

CIVIL COMMITMENT
Assessment of costs—court, Project, Pt. IC 13:38, 80
Assessment of costs—hospitalization, Project, Pt. IC, ... 13:38, 80
Alternatives to Hospitalization, Project, Pt. IC 13:38, 77
Community mental health, Project, Pt. ID 13:118
Dangerousness and committability, Project, Pt. IC 13:38, 96
Differences between criminal and civil commitment, Project, Pt. II 13:147, 150-54
Drug use practice, Project, Pt. IC 13:38, 68

CIVIL COMMITMENT—Cont'd
Due process and Less Drastic Means, Project, Pt. ID 13:118, 141
Less drastic means, Project, Pt. ID 13:118, 140
Hearings, Project, Pt. IC 13:38
Incompetency, Project, Pt. IC..13:38, 88
Models of civil commitment, Project, Pt. IA 13:5
Patient and procedure, Project, Pt. IC 13:38, 66
Petition and detention order, Project, Pt. IB 13:16
Prehearing procedure, Project, Pt. IB 13:16
Prehearing rights, Project, Pt. IB 13:16, 29
Right to counsel, Project, Pt. IB 13:16, 32
Right to speedy trial, Project, Pt. IB 13:16, 31
Role of counsel, Project, Pt. IC 13:38, 51
Role of the physician, Project, Pt. IC 13:38, 60
Self-incrimination, Project, Pt. IB 13:16, 35
Statutory Schemes, Project, Pt. IA 13:5, 12
Trauma of hearing, Project, Pt. IC 13:38, 69

CIVIL PROCEDURE
Contributory Negligence—Confusion of Compromise, in *ASC* 13:313, 556
Enforceability of Arbitration Agreements in *ASC* 3:313, 479
Mental Incompetence Tolls the FELA Statute of Limitations, in *ASC* 13:313, 471
Mootness Doctrine in a State Court, in *ASC* 13:313, 464

CIVIL RIGHTS (See also Constitutional Law)
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595
Project, Pt. 1B 13:16
Project, Pt. IC 13:38, 88
Project, Pt. III 13:189
Project, Pt. IV 13:237

Collective Bargaining—see Labor Law

Commercial Law—see specific subject and Contracts, Consumer Law, Sales, Uniform Laws

COLLEGES And Universities
Public Aid for Parochial Schools and Church Colleges: The Lemon, DiCenso and Tilton Cases, *Paul G. Kauper* 13:567

COMMUNITY Property
Contributory Negligence—Confusion Out of Compromise, in *ASC* 13:313, 556
Streenz v. Streenz: End of an Era of Parental Immunity 13:720

Comparative Negligence—See Contributory Negligence, Negligence, Torts

CONSOLIDATION & MERGER (see also Antitrust Law)
Protection for Employees Adversely Affected by Railway Mergers: *Norfolk & Western Railway Co. v. Nemitz* 13:703

Conservation—see Environmental Law

CONSTITUTIONAL LAW
Bail Revocation, in *ASC* 13:313, 365
Criminal Presumptions, in *ASC* 13:313, 454
Criminality of Cussing, in *ASC* 13:313, 412
Constitutional Implications of Arizona's Implied Consent Law, in *ASC* 13:313, 426
Constitutionality of Property Tax Classifications, in *ASC* 13:313, 528
Due Process and equal protection—right to counsel, Project, Pt. IB 13:16, 32
Due process denied incompetents to stand trial, Project, Pt. II 13:147, 160-73
Due process hearing, Project, Pt. IC 13:38, 69
Due process—Right to speedy trial, Project, Pt. IC 13:16, 31

CONSTITUTIONAL LAW—Cont'd
Is Arizona's Lewd and Lascivious Acts Statute Void for Vagueness?, in *ASC* 13:313, 438
Less drastic means, Project, Pt. ID 13:118, 140
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595
Mootness Doctrine in a State Court, in *ASC* 13:313, 464
On-The-Scene Lineups, in *ASC* 13:313, 357
Prison-to-hospital transfer statutes, Project, Pt. II 13:147, 174-6
Public Aid for Parochial Schools and Church Colleges: The Lemon, DiCenso and Tilton Cases, *Paul G. Kauper* 13:567
Reasonable Use of Percolating Groundwater, in *ASC* 13:313, 490
Remote Area Doctrine and Availability for Work, in *ASC* 13:313, 331
Right to counsel—role of counsel, Project, Pt. IC 13:38
Summary Contempt Power in Arizona and the Right to a Fair Hearing, in *ASC* 13:313, 394
Warrantless Automobile Searches, in *ASC* 13:313, 341
Self-incrimination, Project, Pt. IB 13:16, 35

CONSTRUCTION Contracts
Application of Strict Liability to the Production of Defective Realty 13:643
Enforceability of Arbitration Agreements, in *ASC* 13:313, 479

CONSUMER LAW
Application of Strict Liability to the Production of Defective Realty 13:643
Democratizing the Administrative Process: Toward Increased Responsiveness 13:835
Public Interest Law: A Step Towards Social Balance, *Karin P. Sheldon* 13:818

CONTEMPT
Summary Contempt Power in in Arizona and the Right to a Fair Hearing, in *ASC* 13:313, 394

CONTRACTS
Enforceability of Arbitration Agreements, in *ASC* 13:313, 479
Sovereign Immunity for Tribal Businesses, in *ASC* 13:313, 523

CONTRIBUTORY NEGLIGENCE (see also Assumption of the Risk, Negligence, Torts)
Contributory Negligence—Confusion Out of Compromise, in *ASC* 13:313, 556

CORPORATIONS
Corporate Control as an Incident of Ownership under Section 2042 of the Internal Revenue Code, *William J. Howard* 13:619
IRS Man Cometh: Public Interest Law Firms Meet the Tax Collector 13:857
Sovereign Immunity for Tribal Businesses, in *ASC* 13:313, 523
Stock Dividend Taxation Under the Tax Reform Act of 1969: Expansion of an Ominous Past, *Arthur W. Andrews* and *Lawrence R. Wilson* 13:751

COURTS (see also Civil Procedure)
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595
The Mootness Doctrine in a State Court, in *ASC* 13:313, 464

Courts-Martial—see Military Law

Creditors' Rights—see Contracts, Sales, Damages

CRIMINAL COMMITMENT
Discharge procedures, Project, Pt. II 13:147, 151-158
Following NGRI verdict, Project, Pt. II 13:147, 149-154
Incompetency to stand trial, Project, Pt. II 13:147, 160-73
Length of confinement, Project, Pt. II 13:147, 168-71
Not guilty by reason of insanity (NGRI), Project, Pt. II 13:147, 147-159
Prison-to-hospital transfers, Project, Pt. II 13:147, 174-88

CRIMINAL COMMITMENT—Cont'd
Recommended procedure, Project, Pt. II 13:147, 153-54
Sentencing—Granting Credit for Time Served, in *ASC* 13:313, 402
Release after NGRI commitment, Project, Pt. II 13:147, 154-59

CRIMINAL LAW
Bail Revocation, in *ASC* 13:313, 365
Constitutional Implications of Arizona's Implied Consent Law, in *ASC* 13:313, 426
Criminal Presumptions, in *ASC* 13:313, 454
Criminality of Cussing, in *ASC* 13:313, 412
Is Arizona's Lewd and Lascivious Acts Statute Void for Vagueness?, in *ASC* 13:313, 438
Self-incrimination, Project, Pt. IB 13:16, 35
Summary Contempt Power in Arizona and the Right to a Fair Hearing, in *ASC* 13:313, 394

CRIMINAL PROCEDURE
Bail Revocation, in *ASC* 13:313, 365
Discovery in Criminal Cases, in *ASC* 13:313, 384
Due process and equal protection —right to counsel, Project, Pt. IB 13:16, 32
Exclusionary Rules at Preliminary Hearings, in *ASC* 13:313, 374
On-the-Scene Lineups, in *ASC* 13:313, 357
Self-incrimination, Project, Pt. IB 13:16, 35
Sentencing—Granting Credit for Time Served, in *ASC* 13:313, 402
Summary Contempt Power in Arizona and the Right to a Fair Hearing, in *ASC* 13:313, 394
Warrantless Automobile Searches, in *ASC* 13:313, 341

CRIMINAL RESPONSIBILITY
Incompetency to stand trial, Project, Pt. II 13:147, 160-63
Not guilty by reason of insanity, Project, Pt. II 13:147-59

DAMAGES (see also Remedies)
Financing the Private Practice of Public Interest Law, *Peter E. Sitkin and J. Anthony Kline* 13:823
Recovery for Mental Anguish Caused by Wrongful Death, in *ASC* 13:313, 542

DECEDENTS' ESTATES (see also Estate Planning, Executors, Wills)
An Irrevocable Trust with a Power to Accumulate Income or Invade Principle: Federal Tax Consequences to the Grantor, *Daniel H. O'Connell* 13:267
Corporate Control as an Incident of Ownership under Section 2042 of the Internal Revenue Code, *William J. Howard* 13:619
Disposition of Lapsed Residuary Gifts, in *ASC* 13:313, 506
Strict Construction of Pretermitted Heir Statute, in *ASC* 13:313, 513

DEFENSES (see also Criminal Law)
Arizona insanity defense statute, Project, Pt. II 13:147, 149-54
Incompetency to stand trial as a defense, Project, Pt. II 13:147, 160-62
Not guilty by reason of insanity, Project, Pt. II 13:147-59

DEMOCRACY
Beyond Enthusiasm and Commitment, *Kenney Hegland* 13:805
Democratizing the Administrative Process: Toward Increased Responsiveness 13:835
Public Interest Law: A Step Towards Social Balance, *Karin P. Sheldon* 13:818

DEVELOPING COUNTRIES
Evaluating a Developing Institution: Mexicanization of Mining 13:673

DIRECTED VERDICTS (see also Civil Procedure)
Contributory Negligence—Confusion Out of Compromise, in *ASC* 13:313, 556

Discovery— see Civil Procedure, Evidence

DIVIDENDS (see also Corporations)
Stock Dividend Taxation Under the Tax Reform Act of 1969: Expansion of an Ominous Past, *Arthur W. Andrews* and *Lawrence R. Wilson* 13:751

Divorce AND SEPARATION— see Marriage

DOMESTIC RELATIONS
Do Bad Checks Make a Mother Unfit?, in *ASC* 13:313, 317
Srteenz v. Streenz—The End of an Era of Parental Tort Immunity 13:720

DRUNKENNESS (see also Criminal Law)
Constitutional Implications of Arizona's Implied Consent Law, in *ASC* 13:313, 426

DUE PROCESS (see also Civil Commitment, Civil Rights, Constitutional Law)
Bail Revocation, in *ASC* 13:313, 365
Constitutionality of Property Tax Classifications, in *ASC* 13:313, 528
Criminal Presumptions, in *ASC* 13:313, 454
Criminality of Cussing, in *ASC* 13:313, 412
Incompetency to stand trial, Project, Pt. II 13:147, 160-73
Is Arizona's Lewd and Lascivious Acts Statute Void for Vagueness?, in *ASC* 13:313, 438

ECONOMICS
Evaluating a Developing Institution: Mexicanization of Mining 13:673

Employers and Employees—see Labor Law, Railroads, Workmen's Compensation, Unemployment Compensation

Employer's Liability—see Workmen's Compensation

ENVIRONMENTAL LAW (see also City Planning, Public Lands, Zoning)
Case for Applying Environmental Ethics to the Practice of Law, *Malcolm F. Baldwin* 13:828
Public Interest Law and the Felt Necessities of the Time, *Stewart L. Udall* 13:801
Book Review, *Conrad F. Joyner* 13:745
Interdisciplinary Collaboration in Public Interest Law 13:909

EQUAL PROTECTION (see also Constitutional Law)
Constitutionality of Property Tax Classifications, in *ASC* 13:313, 528
Release procedures for criminally committed mentally ill, Project, Pt. II 13:147, 156-58

EQUITABLE REMEDIES—see Remedies

ESTATE PLANNING (see also Decedents' Estates, Executors, Wills)
An Irrevocable Trust with a Power to Accumulate Income or Invade Principle: Federal Tax Consequences to the Grantor, *Daniel H. O'Connell* 13:267
Corporate Control as an Incident of Ownership under Section 2042 of the Internal Revenue Code, *William J. Howard* 13:619
Strict Construction of Pretermitted Child Statute, in *ASC* 13:313, 513

ESTOPPEL
Sovereign Immunity for Tribal Businesses, in *ASC* 13:313, 523

Ethics—see Legal Ethics

EVIDENCE (see also Civil Procedure)
Criminal Presumptions, in *ASC* 13:313, 454
Exclusionary Rules at Preliminary Hearings, in *ASC* 13:313, 374
Recovery for Mental Anguish Caused by Wrongful Death, in *ASC* 13:313, 542

EVIDENCE—Cont'd
Strict Construction of Pretermitted Child Statute, in *ASC* 13:313, 513

EXECUTORS (see also Decedents' Estates, Estate Planning, Wills)
Strict Construction of Pretermitted Child Statute, in *ASC* 13:313, 513

EXPERT WITNESSES (see also Civil Procedure, Evidence)
Interdisciplinary Collaboration in Public Interest Law 13:909

FEDERAL Aid
Federal Funds for Public Interest Law: Plausibility, Politics and Past History 13:932

Federal Employer's Liability Act—see Master and Servant, Railroads, Workmen's Compensation, Unemployment Compensation

FEDERAL Instrumentalities
Sovereign Immunity for Tribal Businesses, in *ASC* 13:313, 523

FEDERAL Jurisdiction (see also Civil Procedure, Courts)
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595

FEDERAL Power Commission
Interdisciplinary Collaboration in Public Interest Law 13:909

Federal Rules of Civil Procedure—see Civil Procedure

FREEDOM Of Religion (see also Civil Rights, Constitutional Law)
Public Aid for Parochial Schools and Church Colleges: The Lemon, DiCenso and Tilton Cases, *Paul G. Kauper* 13:567

FREEDOM Of Speech (see also Civil Rights, Constitutional Law)
The Criminality of Cussing, in *ASC* 13:313, 412

FOREIGN LAW
Evaluating a Developing Institution: Mexicanization of Mining 13:673
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595

FRAUD
Civil Tax Fraud for Failure to File a Return, *Stephen E. Silver* 13:299

Future Interests—see Property, Trusts

GOVERNMENT
Democratizing the Administrative Process: Toward Increased Responsiveness 13:835
Sovereign Immunity for Tribal Businesses, in *ASC* 13:313, 523

GOVERNMENT Regulation—see Administrative Agencies, Law

HEARSAY (see also Evidence)
Exclusionary Rules at Preliminary Hearings, in *ASC* 13:313, 374

Heirs— see Decedents' Estates

Highways—see Motor Vehicles

HOSPITALS
Alternatives to hospitalization of mentally ill, Project, Pt. IC 13:38, 77, 118
Conditions, Project, Pt. III 13:189
Proposals, Project, Pt. IV 13:237

IMMUNITY
Sovereign Immunity for Tribal Businesses, in *ASC* 13:313, 523
Streenz v. Streenz—The End of an Era of Parental Tort Immunity 13:720

INCOME TAX (see also Taxation)
Civil Tax Fraud for Failure to File a Return, *Stephen E. Silver* 13:299
Stock Dividend Taxation Under the Tax Reform Act of 1969: Expansion of an Ominous Past, *Arthur W. Andrews* and *Lawrence R. Wilson* 13:751

INCOMPETENTS
Civil commitment of, Project, Pt. IC 13:38, 88
Hospitalization, Project, Pt. III 13:189
Proposals, Project, Pt. IV 13:237
Standards for determining, Project, Pt. IC 13:38, 88
———, Criminal, Project, Pt. II 13:147, 162

INDIANS
Sovereign Immunity for Tribal Businesses, in *ASC* 13:313, 523

INHERITANCE, ESTATE AND GIFT TAXES (see also Decedents' Estates, Taxation)
An Irrevocable Trust with a Power to Accumulate Income or Invade Principal: Federal Tax Consequences to the Grantor, *Daniel H. O'Connell* 13:267
Corporate Control as an Incident of Ownership under Section 2042 of the Internal Revenue Code, *William J. Howard* 13:619

INHERITANCE And Succession—see Decedents' Estates

INSANITY (see also Criminal Responsibility, Civil Commitment, Mental Health, Psychiatry)
Administration of Psychiatric Justice: Theory and Practice in Arizona 13:1-260
Arizona insanity defense statute, Project, Pt. II 13:147, 149-154
Criminal Presumptions, in *ASC* 13:313, 454
Incompetency to stand trial, Project, Pt. II 13:147, 160-173
Not guilty by reason of, Project, Pt. II 13:147
Prison-to-hospital Transfers, Project Pt. II 13:147, 174-88
Proposals, Project, Pt. IV 13:237
State hospital, Project, Pt. III 13:189

INSTRUCTIONS (see also Courts, Evidence)
Recovery for Mental Anguish Caused by Wrongful Death, in *ASC* 13:313, 542

INSURANCE (see also Torts, Workmen's Compensation)
Corporate Control as an Incident of Ownership under Section 2042 of the Internal Revenue Code, *William J. Howard* 13:619

INTERSTATE COMMERCE
Mental Incompetence Tolls the FELA Statute of Limitations, in *ASC* 13:313, 471

JUDICIAL REVIEW (see also Courts)
Judicial Review of Property Assessments, in *ASC* 13:313, 538
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595

JUDGE ADVOCATE GENERAL (see also Military Law)
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595

Judges— see Courts

JURISDICTION
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595
Sovereign Immunity for Tribal Businesses in *ASC* 13:313, 523

Jury Instructions—see Civil Procedure, Evidence

JUVENILES
Civil commitment of, Project, Pt. IA 13:5, 13
———, Project, Pt. IB 13:16, 20

LABOR LAW
Protection for Employees Adversely Affected by Railway Mergers: *Norfolk & Western Railway Co. v. Nemitz* 13:703

LAW REFORM (see also Consumer Law)
Beyond Enthusiasm and Commitment, *Kenney Hegland* 13:805
Democratizing the Administrative Process: Toward Increased Responsiveness 13:835

LAW REFORM—Cont'd
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595
Civil commitment, Project, Pt. III 13:189
———, Project, Pt. IA 13:5
———, Project, Pt. IB 13:16
———, Project, Pt. IC 13:38, 51, 60, 88
Criminal Law, Project, Pt. II 13:147
Hospitals, Project, Pt. IV 13:237

Legal Aid—see Attorneys, Consumer Law, Public Interest Law

LEGAL ETHICS
Public's Interest in the Ethics of the Public Interest Lawyer 13:886

LEGAL History
Evaluating a Developing Institution: Mexicanization of Mining 13:673

LEGAL Profession (see also Attorneys, Legal Ethics)
Symposium: The Practice of Law in the Public Interest.
Introduction, *Winton D. Woods*, and *Clark L. Derrick* 13:799
Public Interest Law and the Felt Necessities of the Time, *Stewart L. Udall* 13:801
Beyond Enthusiasm and Commitment, *Kenney Hegland* 13:805
Public Interest Law: A Step Towards Social Balance, *Karin P. Sheldon* 13:818
Financing the Private Practice of Public Interest Law, *Peter E. Sitkin* and *J. Anthony Kline* 13:823
Case for Applying Environmental Ethics to the Practice of Law, *Malcolm F. Baldwin* 13:828
Democratizing the Administrative Process: Toward Increased Responsiveness 13:825
IRS Man Cometh: Public Interest Law Firms Meet the Tax Collector 13:857
Public's Interest in the Ethics of the Public Interest Lawyer 13:886
Interdisciplinary Collaboration in Public Interest Law 13:909
Federal Funds for Public Interest Law: Plausibility, Politics and Past History 13:932
The Private Bar, the Public Interest and Tax Incentives: Monetary Motivation for Action 13:953
Right to counsel, Project, Pt. IB 13:16, 32
Role of counsel, Project, Pt. IC 13:38, 51

LEGAL Research
Interdisciplinary Collaboration in Public Interest Law 13:909

LIMITATION OF ACTIONS
Mental Incompetence Tolls the FELA Statute of Limitations, in *ASC* 13:313, 471

LOCAL GOVERNMENT
Democratizing the Administrative Process: Toward Increased Responsiveness 13:835

MARRIAGE (see also Domestic Relations, Parent and Child)
Is Arizona's Lewd and Lascivious Acts Void for Vagueness?, in *ASC* 13:313, 438

Master & Servant—see Labor Law, Negligence, Unemployment Compensation, Employer's Liability

MEDICAL JURISPRUDENCE
Mental health and the law, Project, Pt. IV 13:237
Role of Physician in commitment, Project, Pt. IC 13:38, 60
State hospitals for the insane, Project, Pt. III 13:189

MENTAL HEALTH (see also Civil Commitment, Incompetents, Insanity, Psychiatry)
Administration of Psychiatric Justice: Theory and Practice in Arizona 13:1-260

MENTAL HEALTH—Cont'd
Community mental health—social impact and legal implications, Project, Pt. ID 13:118
Community mental health in Arizona, Project, Pt. ID .. 13:118, 127
Consequences of prison transfer to hospital, Project, Pt. II 13:147, 183-88
Incompetency to stand trial, Project, Pt. II 13:147, 160-73
Prison-to-hospital transfers, Project, Pt. II 13:147, 174-88
State hospitals, Project, Pt. III .. 13:189
Proposals, Project, Pt. IV 13:237
Special action against prison officials to compel transfer proceeding, Project, Pt. II 13:147, 178-79

Merger—see Consolidation and Merger

MEXICO
Evaluating a Developing Institution: Mexicanization of Mining 13:673

MILITARY LAW
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595

Military Tribunals—see Military Law

MINES AND MINERALS (see also Water Law, Environmental Law)
Evaluating a Developing Institution: Mexicanization of Mining 13:673

MOTOR VEHICLES
Constitutional Implications of Arizona's Implied Consent Law, in *ASC* 13:313, 426

MUNICIPAL Corporations
Application of Strict Liability to the Production of Defective Realty 13:643

Natural Resources—see Environmental Law, Mines and Minerals, Public Lands, Water Law

NEGLIGENCE (see also Assumption of Risk, Contributory Negligence, Torts)
Application of Strict Liability to the Production of Defective Realty 13:643
Recovery for Mental Anguish Caused by Wrongful Death, in *ASC* 13:313, 542
Streenz v. Streenz—The End of an Era of Parental Tort Immunity 13:720

OBSCENITY
Is Arizona's Lewd and Lascivious Acts Statute Void for Vagueness?, in *ASC* 13:313, 438

PARENT AND CHILD
Streenz v. Streenz—The End of an Era of Parental Tort Immunity 13:720
Strict Construction of Pretermitted Child Statute, in *ASC* 13:313, 513

Partnership—see Attorneys, Legal Profession, Taxation

Philosophy of Law—see Jurisprudence

PHYSICIANS (see also Medical Jurisprudence, Expert Witnesses)
Role of in civil commitment, Project, Pt. IC 13:38, 60

POLICE POWER
Civil commitment statutes, Project, Pt. IA 13:5
Constitutional Implication of Implied Consent Law, in *ASC* .. 13:313, 426
Dangerousness as a criterion, Project, Pt. IB 13:16
———Project, Pt. IC 13:38, 96

Pollution—see Environmental Law

Poverty Law—see Consumer Law, Public Interest Law

Practice of Law—see Attorneys, Legal Ethics, Legal Profession

PRIVILEGES
Sovereign Immunity for Tribal Businesses, in *ASC* 13:313, 523

Probate Law and Practice—see Decedents' Estates, Estate Planning, Wills

PRODUCTS LIABILITY (see also Negligence, Torts)
Application of Strict Liability to the Production of Defective Realty 13:643

Property—see Real Property

PSYCHIATRY (see also Civil Commitment, Insanity, Mental Health, Physicians)
Examination of patients, Project, Pt. IB 13:16, 35
Proposals, Project, Pt. IV 13:237
Role of physician in civil commitment, Project, Pt. IC 13:38, 60
State hospitals, Project, Pt. III 13:189

PUBLIC INTEREST LAW (see also Consumer Law, Environmental Law)
Symposium: The Practice of Law in the Public Interest.
Introduction, *Winton D. Woods* and *Clark L. Derrick* 13:797
Public Interest Law and the Felt Necessities of the Time, *Stewart L. Udall* 13:801
Beyond Enthusiasm and Commitment, *Kenney Hegland* 13:805
Public Interest Law: A Step Towards Social Balance, *Karin P. Sheldon* 13:818
Financing the Private Practice of Public Interest Law, *Peter E. Sitkin* and *J. Anthony Kline* 13:823
Case for Applying Environmental Ethics to the Practice of Law, *Malcolm F. Baldwin* 13:828
Democratizing the Administrative Process: Toward Increased Responsiveness 13:835
IRS Man Cometh: Public Interest Law Firms Meet the Tax Collector 13:857
Public's Interest in the Ethics of the Public Interest Lawyer 13:886
Interdisciplinary Collaboration in Public Interest Law 13:909
Federal Funds for Public Interest Law: Plausibility, Politics and Past History 13:932
The Private Bar, The Public Interest and Tax Incentives: Monetary Motivation for Action 13:953

PUBLIC UTILITIES (see also Administrative Law, Agencies)
Democratizing the Administrative Process: Toward Increased Responsiveness 13:835

Purchasers—see Venders

RAILROADS (see also Interstate Commerce, Labor Law, Employer's Liability, Unemployment Compensation, Workmen's Compensation)
Protection for Employees Adversely Affected by Railway Mergers: Norfolk & Western Railway Co. v. Nemitz 13:703

REAL ESTATE Agents and Brokers
Application of Strict Liability to the Sale of Defective Realty 13:643

REAL PROPERTY
Application of Strict Liability to the Production of Defective Realty 13:643
Constitutionality of Property Tax Classifications, in *ASC* 13:528
Evaluating a Developing Institution: Mexicanization of Mining 13:673
Reasonable Use of Percolating Groundwater, in *ASC* 13:313, 490

REMEDIES (see also Civil Procedure, Courts, Damages)
Summary Contempt Power in Arizona and the Right to a Fair Hearing, in *ASC* 13:313, 394

RIGHT TO PRIVACY (see also Constitutional Law)
Is Arizona's Lewd and Lascivious Acts Statute Void for Vagueness?, in *ASC* 13:313, 438

RIGHT TO COUNSEL (see also Civil Commitment, Constitutional Law)
Constitutional Implications of Arizona's Implied Consent Law, in *ASC* 13:313, 426

SALES (see also Contracts, Products Liability)
Application of Strict Liability to the Sale of Defective Realty 13:643

SCHOOLS AND SCHOOL DISTRICTS
Public Aid for Parochial Schools and Church Colleges: The Lemon, DiCenso and Tilton Cases, *Paul G. Kauper* 13:567

SEARCH AND SEIZURE (see also Constitutional Law)
Exclusionary Rules at Preliminary Hearings, in *ASC* 13:313, 374
Warrantless Automobile Searches, in *ASC* 13:313, 341

SELF-INCRIMINATION (see also Criminal Law & Procedure)
Constitutional Implications of Arizona's Implied Consent Law, in *ASC* 13:313, 426
Project, Pt. IB 13:16, 35

SEX CRIMES
Is Arizona's Lewd and Lascivious Acts Statute Void for Vagueness?, in *ASC* 13:313, 341

SPECIAL ACTION
To compel prison transfer proceeding for mental illness, Project, Pt. II 13:147, 178-79

Statute of Limitations—see Limitation of Actions

Statutes—see Uniform Laws

Strict Liability—see Products Liability

TAXATION—Arizona
Constitutionality of Property Tax Classifications, in *ASC* 13:313, 528
Judicial Review of Property Assessments, in *ASC* 13:313, 538

TAXATION—United States
Corporate Control as an Incident of Ownership under Section 2042 of the Internal Revenue Code, *William J. Howard* 13:619
An Irrevocable Trust with a Power to Accumulate Income or Invade Principal: Federal Tax Consequences to the Grantor, *Daniel H. O'Connell* 13:267
IRS Man Cometh: Public Interest Law Firms Meet the Tax Collector 13:857
Private Bar, the Public Interest, and Tax Incentives: Monetary Motivation for Action 13:953
Stock Dividend Taxation Under the Tax Reform Act of 1969: Expansion of an Ominous Past, *Arthur W. Andrews* and *Lawrence R. Wilson* 13:751

TORTS (see also Assumption of Risk, Contributory Negligence, Negligence, Products Liability)
Application of Strict Liability to the Production of Defective Realty 13:643
Contributory Negligence—Confusion out of Compromise, in *ASC* 13:313, 556
Mental Incompetence Tolls the FELA Statute of Limitations, in *ASC* 13:313, 471
Reasonable Use of Percolating Groundwater, in *ASC* 13:313, 490
Recovery for Mental Anguish Caused by Wrongful Death, in *ASC* 13:313, 542
Streenz v. Streenz—The End of an Era of Parental Tort Immunity 13:720

TRAFFIC LAWS (see also Motor Vehicles)
Constitutional Implications of Arizona's Implied Consent Law, in *ASC* 13:313, 426

TRUSTS and Trustees
An Irrevocable Trust with a Power to Accumulate Income or Invade Principal: Federal Tax Consequences to the Grantor, *Daniel H. O'Connell* 13:267

UNEMPLOYMENT COMPENSATION (see also Labor Law)
The Remote Area Doctrine and Availability for Work, in *ASC* 13:313, 331

UNIFORM LAWS
Enforceability of Arbitration Agreements, in *ASC* 13:313, 479

Unions—see Labor Law

Urban Renewal—see Public Interest Law, Public Lands

UTILITIES
Democratizing the Administrative Process: Toward Increased Responsiveness 13:835

VENDORS And Purchasers
Application of Strict Liability to the Production of Defective Realty 13:643

WAR CRIMES
Military Justice in the Consumer Perspective, *Daniel H. Benson* 13:595

WARRANTY (see also Products Liability, Torts)
Application of Strict Liability to the Production of Defective Realty 13:643

WATER LAW (see also Environmental Law, Mines and Minerals)
Reasonable Use of Percolating Groundwater, in *ASC* 13:313, 490

WILLS (see also Decedents' Estates, Estate Planning)
Disposition of Lapsed Residuary Gifts, in *ASC* 13:313, 506
Strict Construction of Pretermitted Child Statute, in *ASC* 13:313, 513

Witnesses—see Civil Procedure, Criminal Procedure, Evidence

WRONGFUL DEATH (see also Torts)
Recovery for Mental Anguish Caused by Wrongful Death, in *ASC* 13:313, 542

WORKMEN'S COMPENSATION (see also Employer's Liability, Labor Law)
Mental Incompetence Tolls the FELA Statute of Limitations, in *ASC* 13:313, 471

TABLE OF CASES DISCUSSED

Cases discussed in the text of articles, notes, comments and case commentaries are listed here. The page number is that on which the article or note begins. A boldface page number indicates an in depth discussion of the case. Both plaintiff-defendant and defendant-plaintiff case titles are included for the convenience of the reader; the full case citation is given only with the former.

—A—
Acker, Fred N. 13:299
Alameda Conservation Ass'n v. California, 437 F.2d 1087 (9th Cir. 1971) 13:859
Allen, Board of Education v. 13:567
Anguis v. Superior Court, 6 Ariz. App. 68, 429 P.2d 702 (1967) 13:317
Apache County v. Atchison, Topeka & Santa Fe Railway Co., 106 Ariz. 356, 476 P.2d 657 (1970) 13:528

Arizona, Miranda v. 13:426, 374
Ariz. Osteopathic Medical Ass'n v. Fridena, 105 Ariz. 291, 463 P.2d 835 (1970) 13:464
Atchison, Topeka & Santa Fe Railway Co., Apache County v. 13:528
Atwood, State v. 13:147, 153
Avner v. Longridge Estates, 272 Cal. App. 2d 607, 77 Cal. Rptr. 633 (Ct. App. 1969) 13:643

—B—

Bank of the United States v. Planters' Bank of Georgia, 22 U.S. (9 Wheat.) 904 (1824) 13:313, 523
Baxstrom v. Herold, 383 U.S. 107 (1966) 13:147, 151, 174
Bennett, Charles F. 13:229
Berger v. Superior Court, State ex rel. 13:47, 150-52, 154-55, 158
Blackwell, Otis 13:299
Bloom v. Illinois, 391 U.S. 194 (1968) 13:394
Board of Education v. Allen, 392 U.S. 236 (1968) 13:567
Board of Education, Everson v. 13:567
Board of Supervisors, Miners & Merchants Bank v. 13:528
Board of Supervisors v. Robinson, 105 Ariz. 280, 463 P.2d 536 (1970) 13:464
Bolo Corp. v. Homes & Son Constr. Co., 105 Ariz. 343, 464 P.2d 788 (1970) 13:479
Bolton v. Harris, 395 F.2d 642 (D.C. Cir. 1968) 13:147, 151-58
Bower, Vaughan v. 13:38, 87
Boyle, Stack v. 13:365
Bristor v. Cheatham, 75 Ariz. 227, 255 P.2d 173 (1953) (Bristor II) 13:490
Bristor v. Cheatham, 73 Ariz. 228, 240 P.2d 185 (1952) (Bristor I) 13:490
P.2d 788 (1970) 13:479
Brooks v. Southern Pacific Co., 105 Ariz. 442, 466 P.2d 736 (1970) 13:471
Burnett v. New York Central Railroad Co., 380 U.S. 424 (1965) 13:471
Butler Homes, Inc., Shannon v. 13:643
Button, NAACP v. 13:888
Byrum v. United States, 311 F. Supp. 892 (S.D. Ohio 1970), *aff'd*, 440 F.2d 949 (6th Cir. 1971), *cert. granted*, 92 S. Ct. 278 ..... 13:619, 630

—C—

California, Alameda Conservation Ass'n v. 13:859
California, Cohen v. 13:412
California, Gilbert v. 13:357
California, Schmerber v. 13:426
Camerena v. Department of Public Welfare, 106 Ariz. 30, 470 P.2d 111 (1970) 13:464
Cameron, Lake v. 13:118, 143-44
Cameron, Rouse v. 13:189, 229
Campbell v. Superior Court, 106 Ariz. 542, 479 P.2d 685 (1971) 13:426
Carlson v. Landon, 342 U.S. 524 (1952) 13:365
Carroll v. United States, 267 U.S. 132 (1924) 13:341
Caruso v. Superior Court, 100 Ariz. 167, 412 P.2d 463 (1966) 13:317
Chambers v. Maroney, 399 U.S. 42 (1970) 13:341
Chaplinsky v. New Hampshire, 315 U.S. 568 (1942) 13:412
Charles F. Bennett, 30 T.C. 114 (1958) 13:299
Cheatham, Bristor v. 13:490
Cirillo v. Commissioner, 314 F.2d 478 (3d Cir. 1963) 13:229
Citizens National Bank, Maryland Casualty Co. v. 13:523
City of Tucson v. Wondergem, 105 Ariz. 429, 466 P.2d 383 (1970) 13:542
Claim of Sapp, 75 Idaho 65, 266 P.2d 1027 (1954) 13:331
Cockrill v. O'Hara, 302 F. Supp. 1365 (M.D. Tenn. 1969) 13:619
Cohen v. California, 403 U.S. 15 (1971) 13:412
Cohen, People v. 13:412
Commissioner, Cirillo v. 13:299
Commissioner, Davis v. 13:299
Commissioner v. Estate of Karagheusian, 233 F.2d 197 (2d Cir. 1956) 13:619

Commissioner, Fox v. 13:953
Commissioner, Jones v. 13:229
Commissioner, Korda v. 13:953
Commissioner, Strassburger v. 13:751
Commissioner v. Treganowan, 183 F.2d 288 (2d Cir. 1950) 13:619
Commissioner, Wiegand v. 13:751
Connecticut, Griswold v. 13:438
Conway v. Glenn, State *ex rel.* 13:38, 84
Conwell, Inspiration Consolidated Copper Co. v. 13:556
Coolidge v. New Hampshire, 403 U.S. 443 (1971) 13:341
Courson, Kelch v. 13:556
Covert, Reid v. 13:595
Covington v. Harris, 419 F.2d 617 (D.C. Cir. 1969) 13:118, 144
Coyle, Yeazel v. 13:619
Croessant, United States v. 13:299

—D—

Daniels, State v. 13: **454**
Davis v. Commissioner, 184 F.2d 86 (10th Cir. 1950) 13:229
DeCoste v. Superior Court, 106 Ariz. 50, 470 P.2d 457 (1970) 13: **513**
Denno, Stovall v. 13:357
Department of Mental Hygiene v. Kirchner, 60 Cal. 2d 716, 388 P.2d 720, 36 Cal. Rptr. 488 (1963) 13:38, 81
Department of Public Welfare, Camerena v. 13: **464**
DiCenso v. Robinson, 316 F. Supp. 112 (D.R.I. 1970), *aff'd*, 403 U.S. 602 (1971) 13: **567**
Douglas, Maricopa County v. 13:38, 84
Dusky v. United States, 362 U.S. 402 (1960) 13:147, 162-64

—E—

Eichler Homes, Inc., Kriegler v. 13:643
Eisner v. Macomber, 252 U.S. 189 (1920) 13:751
Eisner, Towne v. 13:751
Ellis, People v. 13:426
Employment Security Commission v. Kosic, 106 Ariz. 379, 476 P.2d 834 (1970) 13:**331**
Employment Security Commission, Parsons v. 13:331
Ernst, Southwest Engineering Co. v. 13:490
Estate of Karagheusian, Commissioner v. 13:619
Everson v. Board of Education, 330 U.S. 1 (1947) 13:567
Eyman, Walsh v. State *ex rel.* 13:147, 184

—F—

Fahs, Veino v. 13:229
Finch, Tilton v. 13: **567**
First National Bank v. United States, 358 F.2d 625 (5th Cir. 1966) 13:619
First Trust & Savings Bank v. U.S., 206 F.2d 97 (8th Cir. 1953) 13:299
Florida, Williams v. 13:384
Four Corners Pipeline Co., Navajo County v. 13: **538**
Fox v. Commissioner, 22 P-H TAX CT. MEM. 1407 (1963) 13:751
F.P.C., Scenic Hudson Pres. Conf. v. 13:909
Frazer, Purcell v. 13:720
Fred N. Acker, 26 T.C. 107 (1956) 13:299
Fridena, Ariz. Osteopathic Medical Association v. 13: **464**

—G—

Garrett, Wilson v. 13:374
Gault, *In re* 13:16, 32, 35-36
Georgia, Worcester v. 13:523
Gibson v. Gibson, 3 Cal. 3d 914, 479 P.2d 648, 92 Cal. Rptr. 288 (1971) 13:720
Gilbert v. California, 388 U.S. 263 (1967) 13:357
Gleason, Powell v. 13:528
Glenn, State *ex rel.* Conway v. 13:38, 84
Goller v. White, 20 Wis. 2d 402, 122 N.W.2d 193 (1963) 13:720
Granquist, Powell v. 13:299
Griffin v. Illinois, 351 U.S. 12 (1956) 13:118, 145
Griffiths, Helvering v. 13:751
Griswold v. Connecticut, 381 U.S. 479 (1965) 13:438

—H—

Herold, Baxstrom v. 13:147, 151-52
Harold, State v. 13:426
Harris, Bolton v. 13:147, 151-58
Harris, Covington v. 13:118, 144

Hector R. Skifter, 56 T.C. No. 91 (Aug. 26, 1971) 13:619
Heimke v. Munoz, 106 Ariz. 26, 470 P.2d 107 (1970) 13:556
Helvering v. Griffiths, 318 U.S. 371 (1943) 13:751
Helvering, Roshland v. 13:751
Helvering v. Sprouse, 318 U.S. 604 (1943) 13:751
Herold, Baxstrom v. 13:147, 174
Herold, United States *ex rel.* Schuster v. 13:147, 174
Herron v. Southern Pacific Co., 283 U.S. 91 (1931) 13:556
Heryford v. Parker, 396 F.2d 393 (10th Cir. 1968) 13:16, 32
Hickel, Sierra Club v. 13:859
Hodges, State Stove Mfg. Co. v. 13:643
Homes & Son Const. Co., Bolo Corp. v. 13: **479**
Howard v. Perrin, 8 Ariz. 347, 76 P.2d 460 (1904) 13:490
Huish, Roeder v. 13: **479**

—I—

Illinois, Bloom v. 13:394
Illinois, Griffin v. 13:118, 145
Illinois, Williams v. 13:118, 142-43
In re Adoption of a Baby Boy, 106 Ariz. 195, 472 P.2d 64 (1970) 13: **317**
In re Bushman, 1 Cal. 3d 767, 463 P.2d 727, 83 Cal. Rptr. 375 (1970) 13:412
In re Claim of Sapp, 75 Idaho, 65, 266 P.2d 1027 (1954) 13:331
In re Estate of Jackson, 106 Ariz. 82, 471 P.2d 278 (1970) 13:506
In re Gault, 387 U.S. 1 (1967) 13:16, 32, 35-36
In re Tucson Gas & Elect. Co., No. U1933, — P.U.R.3d —, (Ariz. Corp. Comm'n, Nov. 3, 1971) 13:835
Inspiration Consolidated Copper Co. v. Conwell, 21 Ariz. 480, 190 P. 88 (1920) 13:556
Irolla v. United States, 390 F.2d 951 (Ct. Cl. 1968) 13:299

—J—

Jackson, *In re* Estate of 13: **506**
Jacobson, State v. 13:374
Jarvis v. State Land Dep't, 104 Ariz. 527, 456 P.2d 385 (1969) (Jarvis I) 13:490
Jarvis v. State Land Dep't, 106 Ariz. 506, 479 P.2d 169 (1970) (Jarvis II) 13:490
Jenkins v. Mayflower Ins. Exch., 93 Ariz. 287, 380 P.2d 145 (1963) 13:720, 739
Jones v. Commissioner, 259 F.2d 300 (5th Cir. 1958) 13:299
Jones v. Superior Court, 58 Cal. 2d 56, 372 P.2d 919 (1962) 13:384

—K—

Kalur v. Resor, 335 F. Supp. 1 (D.D.C. 1971) 13:828
Karagheusian, Commission v. Estate of 13:619
Kelch v. Courson, 103 Ariz. 576, 447 P.2d 550 (1968) 13:556
Kirchner, Dep't of Mental Hygiene v. 13:38, 81
Korda v. Commissioner, 30 P-H TAX CT. MEM. 888 (1971) 13:953
Kosic, Employment Security Commission v. 13:331
Kriegler v. Eichler Homes, Inc., 269 Cal. App. 2d 224, 74 Cal. Rptr. 749 (Ct. App. 1969) 13:643
Kurtzman, Lemon v. 13: **567**

—L—

Lake v. Cameron, 364 F.2d 657 (D.C. Cir. 1966) 13:118, 143-44
Landon, Carlson v. 13:365
Landorf v. United States, 408 F. 2d 461 (Ct. Cl. 1969) 13:619
Layton v. Rocha, 90 Ariz. 369, 368 P.2d 444 (1962) 13:556
Leary v. United States, 395 U.S. 6 (1969) 13:454
Lemon v. Kurtzman, 310 F. Supp. 35 (E.D. Pa. 1969), *rev'd* 403 U.S. 602 (1971) 13: **567**
Levitt & Sons, Inc., Schipper v. 13:643
Longridge Estates, Avner v. 13:643

—M—

Macomber, Eisner v. 13:751
Madden, State v. 13: **341**
Mahoney, State v. 13: **341**

Mapp v. Ohio, 367 U.S. 643 (1961) 13:374
Maricopa County v. Douglas, 69 Ariz. 35, 208 P.2d 646 (1949) 13:38, 84
Marjorie M. Merritt, 29 T.C. 149 (1957), *acquiesced in*, 1958-2 CUM. BULL. 6 ..... 13:619
Maroney, Chambers v. 13:341
Maryland Casualty Co. v. Citizens National Bank, 361 F.2d 517 (5th Cir. 1966) 13:523
Mayberry v. Pennsylvania, 91 S. Ct. 499 (1971) 13:394
Maxwell v. McBryde, 12 Ariz. App. 269, 469 P.2d 835 (1970) 13:147, 177-80
Mayflower Ins. Exch., Jenkins v. 13:720, 739
McBryde, Maxwell v. 13:147, 177-80
McWilliams, State v. 13:147, 158
Mehciz, United States v. 13:341
Merritt, Marjorie M. 13:619
Metromedia, Inc., Rosenbloom v. 13:412
Mindes, Wadlington v. 13:331
Miners & Merchants Bank v. Board of Supervisors, 55 Ariz. 357, 101 P.2d 461 (1940) 13:528
Minnesota *ex rel.* Pearson v. Probate Court, 309 U.S. 270 (1940) 13:38, 99
Miranda v. Arizona, 384 U.S. 436 (1966) 13:426, 374
Moore v. State, 105 Ariz. 510, 467 P.2d 904 (1970) 13: **384**
Mortimer, State v. 13: **438**
Mountain States Telephone and Telegraph Co., Rogers v. 13:556
Mummert, Rendel v. 13: **365**
Munoz, Heimke v. 13: **556**

—N—

NAACP v. Button, 371 U.S. 415 (1963) 13:886
Navajo County v. Four Corners Pipe Line Co., 106 Ariz. 511, 479 P.2d 174 (1970), *supplemented*, 107 Ariz. 296, 486 P.2d 778 (1971) 13: **538**
New Hampshire, Chaplinsky v. 13:412
New Hampshire, Coolidge v. 13:341
New York Central Railroad Co., Burnett v. 13:**471**
New York Times v. Sullivan, 376 U.S. 254 (1964) 13:412
New York Underwriters Ins. Co. v. Superior Ct., 104 Ariz. 544, 456 P.2d 914 (1969) 13:720

—O—

O'Callahan v. Parker, 395 U.S. 258 (1969) 13:595
O'Hara, Cockrill v. 13:619
Ohio, Mapp v. 13:374
Otis Blackwell, 224 CCH TAX CT. MEM. 1367 (1965) 13:299

—P—

Parker, O'Callahan v. 13:595
Parker, Heryford v. 13:16, 32
Parsons v. Employment Security Commission, 71 N.M. 405, 379 P.2d 57 (1963) 13:331
Pennsylvania, Mayberry v. 13:394
People v. Cohen, 1 Cal. App. 3d 94, 81 Cal. Rptr. 503 (1969), *rev'd*, 403 U.S. 15 (1971) 13:412
People v. Ellis, 65 Cal. 2d 529, 421 P.2d 393, 55 Cal. Rptr. 385 (1966) 13:426
Peoples Finance & Thrift Co. v. Pima County, 44 Ariz. 440, 38 P.2d 643 (1934) 13:528
Perrin, Howard v. 13:490
Pima County, Peoples Finance & Thrift Co. v. 13:528
Planters' Bank of Georgia, Bank of the United States v. 13:523
Powell v. Gleason, 50 Ariz. 542, 74 P.2d 47 (1937) 13:528
Powell v. Granquist, 252 F.2d 56 (9th Cir. 1958) 13:299
Preston v. United States, 376 U.S. 364 (1964) 13:341
Probate Court, Minnesota *ex rel.* Pearson v. 13:38, 99
Prudhomme v. Superior Court, 2 Cal. 3d 320, 466 P.2d 673, 85 Cal. Rptr. 129 (1970) 13:384
Purcell v. Frazer, 7 Ariz. App. 5, 435 P.2d 736 (1967), *overruled*, 106 Ariz. 86, 471 P.2d 282 (1970) 13:720

—Q—

Quarles, Toth v. 13:595

—R—

Reconstruction Finance Corp., Kiefer & Kiefer v. 13:523
Reid v. Covert, 354 U.S. 1 (1957) 13:595
Rendel v. Mummert, 106 Ariz. 233, 474 P.2d 824 (1970) 13: **365**
Resor, Kalur v. 13:828
Richardson, Tilton v. 13:**567**
Robinson, Board of Supervisors v. 13: **464**
Robinson, DiCenso v. 13: **567**
Rocha, Layton v. 13:556
Roeder v. Huish, 105 Ariz. 508, 467 P.2d 902 (1970) 13: **479**
Rogers v. Mountain States Tel. & Tel. Co., 100 Ariz. 154, 412 P.2d 272 (1966) 13:556
Rosenbloom v. Metromedia, Inc., 403 U.S. 29 (1971) 13:412
Rouse v. Cameron, 373 F.2d 451 (D.C. Cir. 1966) 13:189

—S—

Sapp, Claim of 13:331
Scenic Hudson Preservation Conference v. FPC, 354 F.2d 608, 62 P.U.R.3d 134 (2d Cir. 1965), *rev'g* 33 F.P.C. 428, 57 P.U.R.3d 279 (1965) 13:909
Schempp, School District of Abington Township v. 13:567
Schipper v. Levitt & Sons, Inc., 44 N.J. 70, 207 A.2d 314 (1965) 13:643
Schmerber v. California, 384 U.S. 757 (1966) 13:426
School District of Abington Township v. Schempp, 374 U.S. 203 (1963) 13:567
Schuster v. Herold, United States *ex rel.* 13:147, 174
Settle, Wieter v. 13:147, 162-63
Shapiro v. Thompson, 394 U.S. 618 (1969) 13:331
Shannon v. Butler Homes, Inc., 102 Ariz. 312, 428 P.2d 990 1967) 13:643
Shattuck, State Tax Commission v. 13:528
Shaw, State v. 13:147, 150, 154, 158
Shelley, White Mountain Apache Indian Tribe v. 13: **523**
Shelton v. Tucker, 364 U.S. 479 (1960) 13:118, 141
Sierra Club v. Hickel, 433 F.2d 24 (9th Cir. 1970) 13:857
Skifter, Hector R. 13:619
Soto, State v. 13:147, 153
Southern Pacific Co., Brooks v. 13:471
Southern Pacific Railway Co., Herron v. 13:556
Southwest Engineering Co. v. Ernst, 79 Ariz. 403, 291 P.2d 764 (1955) 13:490
Spies v. United States, 317 U.S. 492 (1943) 13:229
Stack v. Boyle, 342 U.S. 1 (1951) 13:365
Starsky, State v. 13: **412**
State v. Atwood, No. A-16066 (Pima Co. Super. Ct., May 28, 1970) 13:147, 153
State v. Daniels, 106 Ariz. 497, 478 P.2d 522 (1970) 13:454
State *ex rel.* Berger v. Superior Court, 106 Ariz. 365, 476 P.2d 666 (1970) 13:147, 150-52, 154-55, 158
State *ex rel.* Eyman, Walsh v. 13:147, 184-85
State *ex. rel.* Conway v. Glenn, 60 Ariz. 22, 121 P.2d 363 (1942) 13:38, 84
State *ex. rel.* Purcell v. Superior Court, 107 Ariz. 224, 485 P.2d 549 (1971) 13:341
State v. Harold, 74 Ariz. 210, 246 P.2d 178 (1952) 13:426
State v. Jacobson, 160 Ariz. 129, 471 P.2d 1021 (1970) 13:374
State Land Dep't, Jarvis v. 13:490
State v. McWilliams, No. A-15924 (Pima Co. Super. Ct., May 28, 1969) 13:147, 158
State v. Madden, 105 Ariz. 383, 465 P.2d 363 (1970) 13: **341**
State v. Mahoney, 106 Ariz. 297, 475 P.2d 479 (1970) 13: **341**
State, Moore v. 13: **384**
State v. Mortimer, 105 Ariz. 472, 467 P.2d 60 (1970) 13: **438**
State v. Shaw, 106 Ariz. 103, 471 P.2d 715 (1970) 13:147, 150-52, 154, 158
State v. Soto, No. A-17375 (Pima Co. Super. Ct., Aug. 18, 1970) 13:147, 153

State v. Starsky, 106 Ariz. 329, 475 P.2d 943 (1970) 13:412
State Stove Mfg. Co. v. Hodges, 189 So. 2d 113 (Miss. 1966) 13:643
State Tax Commission v. Shattuck, 44 Ariz. 379, 38 P.2d 631 (1934) 13:528
State v. Wilson, 106 Ariz. 411, 477 P.2d 242 (1970) 13: 357
Stolzfus v. United States, 264 F. Supp. 824 (E.D. Pa. 1967), aff'd, 398 F.2d 1002 (3d Cir. 1968) 13:229
Stovall v. Denno, 388 U.S. 293 (1967) 13:357
Strassburger v. Commissioner, *sub nom.* Helvering v. Sprouse, 318 U.S. 604 (1943) 13:751
Streenz v. Streenz, 106 Ariz. 86, 471 P.2d 282 (1970) 13: 720
Sullivan, New York Times v. 13:412
Superior Court, Anguis v. 13:317
Superior Court, Campbell v. 13: 426
Superior Court, Caruso v. 13:317
Superior Court, DeCoste v. 13: 513
Superior Court, Jones v. 13:384
Superior Court, New York Underwriters Ins. Co. v. 13:720
Superior Court, Prudhomme v. 13:384
Superior Court, State *ex rel.* Berger v. 13:147, 150-52, 154-55, 158
Superior Court v. State *ex rel.* Purcell, 107 Ariz. 224, 485 P.2d 549 (1971) 13:341
Superior Court, Thorn v. 13:5, 10
Superior Court, Weiss v. 13:394

—T—

Tax Commission, Walz v. 13:567
Thompson, Shapiro v. 13:331
Thorn v. Superior Court, 1 Cal. 3d 666, 464 P.2d 56, 83 Cal. Rptr. 600 (1970) 13:5, 10
Tilton v. Finch, 312 F. Supp. 1191 (D. Conn. 1970), *vacated sub nom.* Tilton v. Richardson, 403 U.S. 672 (1971) 13: 567
Tilton v. Richardson, 403 U.S. 672 (1971) 13: 567
Toth v. Quarles, 350 U.S. 11 (1955) 13:595
Towne v. Eisner, 245 U.S. (1918) 13:751
Treganowan, Commissioner v. 13:619
Tucker, Shelton v. 13:118, 141
Tucson Gas & Elec. Co., *In re* 13:835
Turner v. United States, 396 U.S. 398 (1970) 13:454

—U—

United States, Byrum v. 13:619
United States v. Carroll, 267 U.S. 12 (1924) 13:341
United States v. Croessant, 178 F.2d 96 (3d Cir. 1949) 13:299
United States, Dusky v. 13:147, 162-64
United States *ex rel.* Schuster v. Herold, 410 F.2d 1071 (2d Cir. 1969) 13:147, 174
United States, First National Bank v. 13:619
United States, First Trust & Savings Bank v. 13:299
United States, Irolla v. 13:299
United States, Landorf v. 13:619
United States, Leary v. 13:454
United States v. Mehciz, 437 F.2d 145 (9th Cir. 1970) 13:341
United States v. Preston, 376 U.S. 364 (1964) 13:341
United States, Spies v. 13:299
United States, Stolzfus v. 13:299
United States, Turner v. 13:454
United States v. Wade, 388 U.S. 218 (1967) 13:357, 426

—V—

Vaughan v. Bower, 313 F. Supp. 37 (D. Ariz. 1970), *aff'd*, 400 U.S. 884 (1970) 13:38, 87
Veino v. Fahs, 257 F.2d 364 (5th Cir. 1958) 13:299

—W—

Wade v. United States, 388 U.S. 218 (1967) 13:426
Wade, United States v. 13:357, 426
Wadlington v. Mindes, 45 Ill. 2d 447, 259 N.E.2d 257 (1970) 13:331
Walsh v. State *ex rel.* Eyman, 104 Ariz. 202, 450 P.2d 392 (1969) 13:147, 184-85
Walz v. Tax Commission, 397 U.S. 664 (1970) 13:567
Weiss v. Superior Court, 106 Ariz. 577, 480 P.2d 3, *supple-*

mented, 106 Ariz. 581, 480 P.2d 7 (1971) 13: 394
White, Goller v. 13:720
White Mountain Apache Indian Tribe v. Shelley, 107 Ariz. 4, 480 P.2d 654 (1971) 13: 523
Wiegand v. Commissioner, 194 F.2d 479 (3d Cir. 1952) 13:751
Wieter v. Settle, 193 F. Supp. 318 (W.D. Mo. 1961) 13:147, 162-63
Williams v. Illinois, 399 U.S. 235 (1970) 13:118, 142-43
Williams v. Florida, 399 U.S. 78 (1970) 13:384
Wilson v. Garrett, 104 Ariz. 57, 448 P.2d 857 (1969) 13:374
Wilson, State v. 13: 357
Wondergem, City of Tucson v. 13: 542
Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832) 13:523

—Y—

Yeazel v. Coyle, 21 P-H AM. FED. TAX REP. 2d ¶1681 (N.D. Ill. 1968) 13:619

TABLE OF STATUTES DISCUSSED

Constitutions, statutes and court rules discussed in text are indexed here. The page number is that on which the article begins. A boldface page number indicates that the cited work deals primarily with that statute. Citations are to the code currently in force, as amended, unless otherwise indicated. Where appropriate, the first section number of an act or code sequence is shown followed by numbers of sections receiving extended treatment. In those cases, readers should consult such articles for a discussion of their statute though their particular section is not indexed.

ARIZONA

Constitution

Art II, § 15 ..... 13:365
Art. VII §§ 2, 22 ..... 13:38, 92-93
Art. IX, § 1 ..... 13:528
Art. IX, § 2 ..... 13:528
Art. XVII, §§ 1-2 ..... 13:490
Art. XVIII, § 5 ..... 13:556
Art. XXII, § 15 ..... 13:38, 83

Arizona Revised Statutes Annotated (1956)

§ 8-103 (repealed 1970) 13:317
§ 8-104 (repealed 1970) 13:317
§ 8-106 ..... 13:317
§ 8-107 ..... 13:317
§ 8-533 ..... 13:317
§ 11-291 ..... 13:118, 132
§ 12-611 *et seq.* 13:542
§§ 12-1501 *et seq.*, 12-1501, 12-1502 ..... 13:479
§ 13-371 13-412
§ 13-651 ..... 13:438
§ 13-652 ..... 13:438
§ 13-653 ..... 13:438
§ 13-1577 ..... 13:365
§ 13-1578 ..... 13:365
§ 13-1621 ..... 13:147, 160-73
§ 13-1621(C), (H)(2) 13:147, 165-67
§ 13-1621(H)(3-5) 13:147, 168-71
§§ 13-1621, -1621.01 ..... 13:147, 149-150, 152
§ 13-1621.01 (A)-(C) 13:147, 150
§ 13-1621.01 (D) 13:147, 149
§ 13-1673 ..... 13:38, 55-56
§ 13-1712 ..... 13:374
§ 14-131 ..... 13:513
§ 14-133 ..... 13:506
§ 23-771 ..... 13:331
§ 28-413(A) 13:38, 92-94
§ 28-691 ..... 13:426
§ 28-692 ..... 13:426
§ 28-692.01 ..... 13:426
§ 31-224 ..... 13:147, 174-180
§ 31-412 ..... 13:147, 186
§ 33-435 ..... 13:643
§§ 36-501 to -526 ..... 13:5, 12, 1-260
§§ 36-505, -509 ..... 13:147, 149, 152
§§ 36-501, -509(B) 13:16

§§ 36-501, -510(B) 13:38, 68, 69
§§ 36-501, -510 ..... 13:16, 18, 23-25
§§ 36-501, -513 ..... 13:16, 29-31
§§ 36-501, -513 ..... 13:38, 73
§§ 36-501, -514 (B) 13:38, 60-61
§§ 36-501, -514(C) 13:38, 77
§§ 36-501, -514(C) 13:38, 96
§§ 36-501, -514(D) 13:38, 88, 89
§§ 36-501, 514(A) 13:38, 51
§§ 36-501, -514(A) 13:16, 33-35
§§ 36-501, -518 ..... 13:38, 58
§§ 36-501, -520(A)(H) 13:38, 85
§§ 36-501, -520(H) 13:38, 80
§§ 36-501, -520.01 ..... 13:38, 86
§§ 36-501, -524(G) 13:38, 90
§ 42-136 ..... 13:528
§ 42-227 ..... 13:528
§ 45-147 ..... 13:490
§§ 45-301, -301(1), -301(3), -308, -314(A) 13:490

Arizona Rules of Criminal Procedure

Rule 41 ..... 13:365
Rule 195 ..... 13:384
Rule 250 ..... 13:147, 160-61
Rule 288 ..... 13:147, 154
Rule 346 ..... 13:412

Attorney General's Opinions

Opinion No. 61-22, [1961] OP. ARIZ. ATT'Y GEN. 38 ..... 13:189

UNITED STATES

Constitution

Amend. I 13:567
Amend. I 13:412
Amend. XIV, § 1 ..... 13:412

United States Code (1970)

5 U.S.C. § 553 ..... 13:936
5 U.S.C. § 7521 ..... 13:595
10 U.S.C. §§ 801-940 ..... 13:595
10 U.S.C. § 819 ..... 13:595
16 U.S.C. §§ 791a *et seq.* 13:909
20 U.S.C. §§ 701-758 ..... 13:567
25 U.S.C. §§ 461-479 (Wheeler-Howard Act) 13:523
26 U.S.C. § 170 ..... 13:857
26 U.S.C. § 301 ..... 13:751
26 U.S.C. § 302 ..... 13:751
26 U.S.C. § 305 ..... 13:751
26 U.S.C. § 306 ..... 13:751
26 U.S.C. § 316 ..... 13:751
26 U.S.C. § 317 ..... 13:751
26 U.S.C. § 501(c)(3) 13:857
26 U.S.C. § 671 *et seq.* 13:267
26 U.S.C. § 2035 ..... 13:267
26 U.S.C. § 2036 ..... 13:619
26 U.S.C. § 2036(a)(2) 13:267
26 U.S.C. § 2038(a)(1) 13:267
26 U.S.C. § 2042 ..... 13:619
26 U.S.C. § 6651(a) 13:229
26 U.S.C. § 6653(b) 13:229
26 U.S.C. § 7201 ..... 13:229
26 U.S.C. § 7203 *et seq.* 13:229
42 U.S.C. § 4332 ..... 13:909
42 U.S.C. §§ 2681-87 (1963 ..... 13:118, 119
42 U.S.C. §§ 2701 *et seq.*, 2994 (d) (1970) 13:932
42 U.S.C. § 2809 (1970) 13:932
43 U.S.C. §§ 321-323, *amending* 19 Stat. 377 (1877) (Desert Land Act of 1877) 13:490
45 U.S.C. § 51, 56 ..... 13:471
45 U.S.C. §§ 151-188 (Railway Labor Act) 13:703
49 U.S.C. §§ 1-1542 (Interstate Commerce Act) 13:703

Federal Rules of Criminal Procedure

Rule 16(c) 13:384

Manual for Courts-Martial

Treasury Regulations

§§ 1.305-1 *et seq.* (Proposed 1971) 13:751
§§ 1.305-1 *et seq.* (Proposed 1972) 13:751
§ 1.501(c)(3) 13:857
§ 20.2036-1 ..... 13:619
§ 20.2042-1 ..... 13:619

IRS Revenue Rulings

67-54, 1967-1 CUM. BULL. 269 ..... 13:619
71-463, 1971 INT. REV. BULL. No. 42, at 25 ..... 13:619
Guidelines for Public Interest Law Firms 7 CCH 1970 STAND. FED. TAX REP. ¶ 6937E 13:857

STATE STATUTES

Calif. Penal Code

§ 415 ..... 13:412
§ 1538.5 ..... 13:374

Calif. Welf & Instn's Code

§§ 5000 *et seq.* 13:5, 111-117
§ 7275 ..... 13:38, 81

Ill. Ann Stat.
ch. 3 § 49 ..... 13:506

Ky. Rev. Stat. Ann.
§ 394.400 (1969) 13:506

Mass. Ann. Laws
ch. 191 § 20 ..... 13:513

N.J. Stat. Ann.
§ 3A:3-14 ..... 13:506

Ohio Rev. Code Ann.
§ 2107.52 ..... 13:506

Pa. Stat. Ann.
Tit. 20 § 180.14(10) 13:506

R.I. Gen. Laws Ann.
§ 33-6-20 ..... 13:506

UNIFORM LAWS

ABA Code of Professional Responsibility
Canon 2 ..... 13: 886
Canon 5 ..... 13: 886
Canon 5 ..... 13:720

Uniform Arbitration Act
§§ 1 *et seq.*, 1, 2 ..... 13:479

Uniform Code of Military Justice—
see 10 U.S.C.

Uniform Probate Code
§ 2-302(a), (b) 13:513
§ 2-606 ..... 13:506

FOREIGN STATUTES

Mexico
Constitution of Mexico, Art. 27 13:673
Mining Law of 1961: Ley Reglamentaria del Artículo 27 Constitucional en Materia de Explotación Aprovechamiento de Recursos Minerales 13:673
Regulations Relating to the Mining Law of 1961 ..... 13:673

United Kingdom
English Family Provision Act, [1938] 1&2 Geo. 6, ch. 45, *as amended*, Family Law Reform Act 1969, c. 46 ..... 13:513
Lord Campbell's Act, 9 & 10 Vict. ch. 93 (1846) 13:542

ARIZONA LAW REVIEW

VOLUME 13
1971

Published by
The College of Law of
The University of Arizona

Member, National Conference of Law Reviews

COPYRIGHT © 1971-72

COPYRIGHT © 1971-72
By the Arizona Board of Regents

Number 1, 1971
Number 2, 1971
Number 3, 1972
Number 4, 1972

Printed in
Lincoln, Nebraska, U.S.A.

Citations to authority conform to **A Uniform System of Citation** (11th ed. 1968), copyright by the Columbia, Harvard, and University of Pennsylvania Law Reviews and the Yale Law Journal.

ARIZONA LAW REVIEW wishes to acknowledge the kindness of West Publishing Co. in furnishing complimentary copies of **National Reporter System** advance sheets.

Arizona Law Review is published four times each year by the University of Arizona, Tucson, Arizona 85721. The *Review* is a student-edited journal, and the views expressed herein are not necessarily those of the Faculty of the College of Law, the University of Arizona, or the Arizona Board of Regents.

Subscription price after volume 13: Domestic, $8.00 per year. Foreign, $10.00 per year. Single issues, $3.00. If subscription is to be discontinued at expiration, notice to that effect must be sent, otherwise it will be assumed a continuation is desired. For single issues and bound or unbound volumes in Volumes 1 through 12, inquire of Fred B. Rothman & Company, 57 Leuning Street, South Hackensack, New Jersey 07606. Volume 13 issues are available from the *Review*.

Copyright © 1971-72 by the Arizona Board of Regents. Second-class postage paid at Tucson, Arizona, and at additional mailing offices. **Postmaster:** Send Form 3579 to Arizona Law Review, University of Arizona, Tucson, Arizona 85721.

TABLE OF CONTENTS

Volume 13

Articles, Symposia and Projects

		Page
PROJECT: THE ADMINISTRATION OF PSYCHIATRIC JUSTICE: THEORY AND PRACTICE IN ARIZONA		
Table of Contents		viii
Table of Illustrations and Tables		xii
INTRODUCTION		1
PART I: THE CIVIL COMMITMENT PROCESS		5
PART II: THE CRIMINAL COMMITMENT PROCESS		147
PART III: AFTER COMMITMENT: THE ARIZONA STATE HOSPITAL		189
PART IV: GENERAL CONCLUSION		237
Appendices		243
IN MEMORIAM: JAMES J. GRAHAM		262
	Charles E. Ares	263
	Boris Kozolchyk	265
	Kenney Hegland	266
AN IRREVOCABLE TRUST WITH A POWER TO ACCUMULATE INCOME OR INVADE PRINCIPAL: FEDERAL TAX CONSEQUENCES TO THE GRANTOR	*Daniel H. O'Connell*	267
CIVIL TAX FRAUD FOR FAILURE TO FILE A RETURN	*Stephen E. Silver*	299
PUBLIC AID FOR PAROCHIAL SCHOOLS AND CHURCH COLLEGES: THE LEMON, DICENSO AND TILTON CASES	*Paul G. Kauper*	567
MILITARY JUSTICE IN THE CONSUMER PERSPECTIVE	*Daniel H. Benson*	595
CORPORATE CONTROL AS AN INCIDENT OF OWNERSHIP UNDER SECTION 2042 OF THE INTERNAL REVENUE CODE	*William J. Howard*	619

STOCK DIVIDEND TAXATION UNDER THE TAX REFORM ACT OF 1969: EXPANSION OF AN OMINOUS PAST ..... *Arthur W. Andrews* and *Lawrence R. Wilson* 751

SYMPOSIUM: THE PRACTICE OF LAW IN THE PUBLIC INTEREST

INTRODUCTION ..... *Winton D. Woods* and *Clark L. Derrick* 797

Commentaries

PUBLIC INTEREST LAW AND THE FELT NECESSITIES OF THE TIME ..... *Stewart L. Udall* 801

BEYOND ENTHUSIASM AND COMMITMENT ..... *Kenney Hegland* 805

PUBLIC INTEREST LAW: A STEP TOWARD SOCIAL BALANCE ..... *Karin P. Sheldon* 818

FINANCING PUBLIC INTEREST LITIGATION ..... *Peter E. Sitkin* and *J. Anthony Kline* 823

A CASE FOR APPLYING ENVIRONMENTAL ETHICS TO THE PRACTICE OF LAW ..... *Malcolm F. Baldwin* 828

Notes

DEMOCRATIZING THE ADMINISTRATION PROCESS: TOWARD INCREASED RESPONSIVENESS ..... *Michael E. McLachlan* 835

THE IRS MAN COMETH: PUBLIC INTEREST LAW FIRMS MEET THE TAX COLLECTOR ..... *Richard N. Goldsmith* 857

Comments

THE PUBLIC'S INTEREST IN THE ETHICS OF THE PUBLIC INTEREST LAWYER ..... *Dennis G. Katz* 886

INTERDISCIPLINARY COLLABORATION IN PUBLIC INTEREST LAW ..... *James R. Whitaker* 909

FEDERAL FUNDS FOR PUBLIC INTEREST LAW: PLAUSIBILITY, POLITICS AND PAST HISTORY ..... *John J. Osborn, Jr.* 932

THE PRIVATE BAR, THE PUBLIC INTEREST AND TAX INCENTIVE: MONETARY MOTIVATION FOR ACTION ..... *William G. Walker* 953

The Arizona Supreme Court 1970-71

INTRODUCTION 313

Contents 315

Table of Cases 566

Note

APPLICATION OF STRICT LIABILITY TO THE PRODUCTION OF DEFECTIVE REALTY ..... *Dwayne L. Burton* 643

Comments

EVALUATING A DEVELOPING INSTITUTION: MEXICANIZATION OF MINING ..... *Theodore B. Borek* 673

PROTECTION FOR EMPLOYEES ADVERSELY AFFECTED BY RAILWAY MERGERS: NORFOLK & WESTERN RAILWAY CO. V. NEMITZ ..... *James F. Morrow* 703

STREENZ V. STREENZ: THE END OF AN ERA OF PARENTAL TORT IMMUNITY ..... *Michael L. Winchester* 720

Book Review

RIDGEWAY: THE POLITICS OF ECOLOGY ..... *Conrad F. Joyner* 742

Index

VOLUME 13 INDEX 975

Table of Authors 976

Subject-Matter Index 977

Table of Cases Discussed 989

Table of Statutes Discussed 996

ARIZONA LAW REVIEW

EDITORIAL BOARD 1970-71

Editor-in-Chief
TED J. THAYER

Managing Editor
KENNETH R. REED

Articles Editor
STEVEN W. PHILLIPS

Special Projects Editor
STANLEY E. SCOVILLE

Arizona Note and Materials Editor
FREDERIC A. LUYTIES

Note and Comment Editors
GEORGE J. FEULNER, JR.
FREDERICK DEGROAT HARLOW

Staff

Senior Writers

ALLAN D. BOGUTZ
CHARLES L. FIRESTEIN

Second Year Writers

JOHN G. BALENTINE
GILBERT E. BOISSY
THEODORE B. BOREK
CLARK L. DERRICK
DONALD W. HART
ROBERT A. HERSHEY
DESMOND P. KEARNS
W. MICHAEL MOODY
W. HUGH O'RIORDAN
DANIEL W. SHUMAN
ROBERT C. SWAN
LORIN G. TOBLER
ALBERT R. VERMIERE
LAWRENCE R. WILSON

Faculty Advisor
G. KENNETH REIBLICH

Secretary
KAY CLARK

ARIZONA LAW REVIEW

EDITORIAL BOARD 1971-72

Editor-in-Chief
W. MICHAEL MOODY

Executive Editor
DESMOND P. KEARNS

Managing Editor
DONALD W. HART

Executive Editor
LAWRENCE R. WILSON

Symposium Editor
CLARK L. DERRICK

Arizona Note Editor
DANIEL W. SHUMAN

Articles Editors

ROBERT C. SWAN

ALBERT R. VERMEIRE

Note and Comment Editors

JOHN G. BALENTINE

THEODORE B. BOREK

GILBERT E. BOISSY

LORIN G. TOBLER

Staff

Second Year Writers

DWAYNE L. BURTON
P. MICHAEL DRAKE
JAMES P. F. EGBERT
BRUCE MICHAEL FERG
RICHARD N. GOLDSMITH
RONALD GOULD
ROBERT J. HOOKER
CHARLES E. JAMES, JR.
DENNIS G. KATZ
ROBERT E. LUNDQUIST
MICHAEL E. MCLACHLAN
JAMES F. MORROW
JOHN F. MUNGER
TRACY P. NUCKOLLS
JOHN J. OSBORN, JR.
JEFFREY H. SCHWARTZ
DONALD R. THAYER
S. JON TRACHTA
WILLIAM G. WALKER
MICHAEL L. WINCHESTER
JAMES R. WHITAKER

Faculty Advisor
G. KENNETH REIBLICH

Secretary
KAY CLARK

Project

THE ADMINISTRATION OF PSYCHIATRIC JUSTICE: THEORY AND PRACTICE IN ARIZONA

Table of Contents

	Page
INTRODUCTION	1
PART I: THE CIVIL COMMITMENT PROCESS	5
A. Models of Civil Commitment	5
Admission of Patients into a Mental Hospital: Theoretical Bases and Statutory Schemes in General	6
Arizona Statutory Scheme	12
Voluntary Admission	12
Medical Certification	13
Emergency Certification	14
Judicial Commitment	14
B. Prehearing Procedure	16
Petition and Detention Order	16
Pre-petition screening	16
The Petition	18
The Detention Order	23
The Detention Facilities	25
Maricopa County	26
Pima County	27
The Twelve Rural Counties	27
Detention in Hospital Facilities	28
Detention in the County Jail	28
Prehearing Rights	29
Notice	29
Right to a Speedy Hearing	31
Right to Counsel	32
Self-incrimination	35
C. The Hearing	38
An Overview	38
Maricopa County	38
Case 1	40
Case 2	41
Case 3	41

Page

Pima County 42
Case 4 43
Case 5 47

The Role of Counsel 51

The Role of the Physician 60

The Patient and the Commitment Procedure 66
Effect of Drugs on Will to Resist 66
Arizona Drug Practice 68
The Trauma of a Due Process Hearing 69
The Situation in Arizona 73

Some Elements of the Judicial Decision-Making Process and Their Implications 76
The Exploration of Alternatives to Hospitalization 77
The Assessment of Costs 80
Cost Assessment in Arizona 83
Civil Incompetency—A Concomitant of Commitment? 88
Determination of Incompetency 88
Restoration to Competency 90
Consequences of a Determination of Incompetency: Toward a Theory of Selective Incompetency 91

Dangerousness and Committability: The Standard in Arizona 96
The Problem of Prediction 96
The Definition of Dangerousness in Arizona Rural Counties 100
Maricopa County: A Systematic Study of the Dangerousness Criteria 101
The Impact of a more Rigorous Definition of Dangerousness for Commitment Purposes 111

D. Community Mental Health: Social Impact and Legal Implications 118

Community Mental Health and Crisis Intervention 118

Community Mental Health in Arizona 127
Dichotomous State Scheme 127
Maricopa County Facilities 128
County Health Department 128
Other Maricopa County Facilities 129
Pima County Facilities 132
Pima County Combined Program 132
Tucson-Southern Counties Mental Health Center 134

Page

Impact of Community Mental Health on Commitments from Pima County 135
Coconino County 136
The Remaining Counties 137
Conclusion 138
The Constitutional Doctrine of Less Drastic Means 140
Due Process and Less Drastic Means 141
Equal Protection 144

PART II: THE CRIMINAL COMMITMENT PROCESS 147

A. Commitment and Release of Criminal Defendants Found Not Guilty by Reason of Insanity 147
Commitment Following an NGRI verdict in Arizona 149
NGRI v. Civil Commitment 150
The Test of *Bolton v. Harris* 151
Recommended Procedure for NGRI Commitment 153
Release after NGRI Commitment in Arizona 154
Bolton v. Harris and Release Procedures 156
Field findings 158
Conclusion 158

B. Incompetency to Stand Trial 160
Standards 162
Commitment for Examination and Treatment 165
Length of Confinement 168
Concluding Remarks 171

C. Prison-to-Hospital Transfers 175
The Process of Prison-to-Hospital Transfer in Arizona 176
The Selection of Prisoners for Commitment 180
The Prisoner's Perspective 183
Length of Incarceration 183
Treatment 186
Conclusion 188

PART III: AFTER COMMITMENT: THE ARIZONA STATE HOSPITAL 189

A. Life at the Hospital 189
Patient I 190
Patient II 192
Patient III 195
Patient IV 198
Patient V 200

Page

B. Rights of Patients 207
Interview Regarding Rights of Patients 208
Other Aspects of Patient Rights 217
Conclusion 224
C. The Right to Treatment 228
The Arizona Situation 229

PART IV: GENERAL CONCLUSION 237
Opinion No. 61-22 239
Arizona's Need for Reform 241

APPENDIX A: Examples of Less-Drastic-Means Statutes 243
APPENDIX B: Court File Data Summary* 250
APPENDIX C: Psychiatric Diagnosis Compared with Ultimate Disposition 255

ILLUSTRATION

Page

1. Observers' Rating Form 102

TABLES*

I. The Highest Ratings of Committability for Those Committed Patients Rated as Borderline or Clearly Committable by the Preponderance of the Evidence 106

II. The Highest Ratings of Committability for Those Committed Patients Rated as Clearly Committable by the Preponderance of the Evidence 107

III. The Highest Ratings of Committability for Those Committed Patients Rated as Clearly Committable or Borderline by Proof Beyond a Reasonable Doubt 107

IV. The Highest Ratings of Committability for Those Committed Patients Rated as Clearly Committable by Proof Beyond a Reasonable Doubt 108

V. Patients Committable Only Under Broadest Definition of Dangerousness or Not Dangerous 110

VI. Patients Committable Under Hypothetical Definition of Commitment Standards 112

VII. Patients Committable Under the California 90-Day Standard 113

VIII. Patients Detainable Under California's Maximum 28-Day Detention for Suicidal Patients 114

IX. Patients Detainable as Gravely Disabled 115

X. Patients Committable Under the Standard Proposed By the Center for Study of Responsive Law 116

XI. Number of Commitment Hearings Held in Pima County During 1969 and 1970 136

XII. Distribution of Mental Health Resources in Arizona 138

XIII. Patients Committed to the Arizona State Hospital as Incompetent to Stand Trial 169

XIV. Funding of Mental Hospitals 230

* A substantial number of tables found in footnotes and in Appendices *B* and *C* are not listed here. Dates in table "Hospitalization," p. 253, should read: Dec. 1969, Feb. 1970, etc.